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SUBJECT: CHARGE D'AFFAIRES PROTESTS HARASSMENT OF USNS
IMPECCABLE IN SOUTH CHINA SEA

REF: 081642Z MAR 09 (DAO CABLE)

Classified By: Charge d'Affaires Daniel Piccuta.
Reasons 1.4 (b) and (d).

¶1. (C) On March 8 in the South China Sea international waters near the PRC's Hainan Island, five Chinese ships harassed and interfered with a U.S. survey vessel, the USNS Impeccable, conducting routine operations (reftel). In response, the Charge d'Affaires protested Chinese actions to MFA American and Oceanian Affairs Department Director General Zheng Zeguang on the evening of March 8.

¶2. (C) Zheng claimed that the Impeccable had been "unlawfully" operating inside China's exclusive economic zone (EEZ) in "violation of both Chinese and UN law." If the United States had requested and received permission from China prior to operating in China's EEZ, Zheng said, the Chinese vessels would not have been operating in the vicinity of the Impeccable.

¶3. (C) Charge pushed back, noting that the USNS Impeccable had been operating in China's EEZ in accordance with international law and, as a military vessel, did not require prior notification to or the consent of China. Chinese harassment, apparently coordinated by the PLA Navy, had therefore been not only inconsistent with China's obligations under international law but also greatly increased the risk of a collision or other incident at sea.

¶4. (C) When told by Charge that three types of Chinese vessels had threatened the Impeccable, including a PLA Navy ship, Zheng said the Charge "had incorrect information," and asserted that according to the Ministry of Agriculture, which has responsibility for fisheries issues, none of the vessels involved had been PLA Navy. (Note: Zheng was unaware of photos taken from on board the Impeccable clearly showing the presence of a PLA Navy vessel.)

¶5. (C) On March 9, DG Zheng called Charge about another issue and raised the incident as an aside, saying he was "grateful" the Charge had "brought it to his attention so that we could fix the problem." Zheng assured the Charge that "there was never any intention to board" the Impeccable.
PICCUTA